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December 12, 2016

VIA FOIAOnline

National Freedom of Information Officer  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW (2822T)  
Washington, DC 20460

**RE: Freedom of Information Act Request**

Dear Sir or Madam:

On behalf of Public Citizen, Inc., and pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, I request:

All records of communications from or on behalf of the Trump-Pence Transition Team to the Environmental Protection Agency (EPA), for the period from November 8, 2016, through the date of processing this request.

If it is your position that responsive records exist but that those records (or portions of those records) are exempt from disclosure, please identify the records that are being withheld and state the basis for the denial for each record being withheld. In addition, please provide the nonexempt portions of the records. Public Citizen seeks each record *in its entirety*. Accordingly, please do not redact portions of any record as “non-responsive,” “out of scope,” or the like.

I request that any records produced in response to this request be provided in electronic form wherever possible.

Public Citizen requests that all fees in connection with this FOIA request be waived in accordance with 5 U.S.C. § 552(a)(4)(A)(iii) because Public Citizen does not seek the records for a commercial purpose and disclosure “is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government.” The records requested will contribute to the public’s understanding of the transition between the Obama administration and the Trump administration as it plays out at the EPA, a matter that directly concerns the operations and activities of the government. We expect the responsive records to

inform the public about the policy and personnel changes at the agency, information which will help the public understand the actions the agency is likely to take under the new administration. These records are not in the public domain.

Public Citizen, which has over 400,000 members and supporters, is a nonprofit research, litigation, and advocacy organization that represents the public interest before Congress, the executive branch, and the courts. It fights for openness and democratic accountability in government; for social and economic justice in globalization and trade policies; for clean, safe and sustainable energy; for strong health, safety and environmental protections; for safe, effective and affordable medicines and health care; and for the right of consumers to seek redress in the courts. Public Citizen does not have a commercial interest in the requested records; it intends to share information received from this request with the public free of charge. It regularly publishes reports based upon information acquired through FOIA.<sup>1</sup> Public Citizen also has a demonstrated capacity to disseminate this information. Public Citizen has several full-time staff dedicated to distributing its publications through its website,<sup>2</sup> newsletters,<sup>3</sup> Twitter,<sup>4</sup> Facebook,<sup>5</sup> email listserv, and press releases. Many of Public Citizen's reports, petitions, or other research products grab headlines in major newspapers, broadcast media, social media, and academic journals.<sup>6</sup> Public Citizen maintains four blogs,<sup>7</sup> publishes a bi-monthly

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<sup>1</sup> For examples of publications distributed through the website, see Reports and Memos on the Trans-Pacific Partnership, <http://www.citizen.org/TPP#reports>; and a 2015 report entitled "Nursing: A Profession in Peril," <http://www.citizen.org/health-care-worker-safety-report-series> (a five-part series on health care workers injured on the job).

<sup>2</sup> Public Citizen's homepage, <http://www.citizen.org>.

<sup>3</sup> See, e.g., Public Citizen Health Letter, <http://www.citizen.org/healthletter>.

<sup>4</sup> Public Citizen's Twitter page, [https://twitter.com/Public\\_Citizen](https://twitter.com/Public_Citizen).

<sup>5</sup> Public Citizen's Facebook page, <https://www.facebook.com/publiccitizen>.

<sup>6</sup> See, e.g., 2007 report: "The Arbitration Trap: How Credit Card Companies Ensnare Consumers" discussed in: Stephanie Mencimer, *Suckers Wanted: How Car Dealers and Other Businesses are Taking Away Your Right to Sue*, Mother Jones, Nov. 26, 2007,

<http://www.motherjones.com/politics/2007/11/suckers-wanted-how-car-dealers-and-other-businesses-are-taking-away-your-right-sue>, and *Consumer group: Credit card arbitrations rigged*, N.Y. Daily News, Sept. 28, 2007,

<http://www.nydailynews.com/news/money/consumer-group-credit-card-arbitrations-rigged-article-1.247578>; 2010 report: "Lies, Damn Lies and Export Statistics How Corporate Lobbyists Distort Record of Flawed Trade Deals" discussed in: Sewell

Chan, *In the Form of a Study, a Salvo From the Left Questions Obama's Trade Goals*, N.Y. Times, Sept. 14, 2010,

<http://www.nytimes.com/2010/09/15/business/economy/15trade.html>; 2014 Report:

"Mission Creep-y: Google Is Quietly Becoming One of the Nation's Most Powerful Political Forces While Expanding Its Information-Collection Empire" discussed in:

newspaper,<sup>8</sup> and issues frequent press releases.<sup>9</sup> Nearly every day, print and broadcast media around the world mention Public Citizen or quote its experts.<sup>10</sup> Public Citizen also makes its experts available to speak to the media, at conferences, and to testify before Congress.<sup>11</sup>

Accordingly, I request that you waive all fees for locating and duplicating the requested records because Public Citizen is entitled to a public interest fee waiver. If, however, a waiver is not granted, please advise me of the amount of any proposed search, review, and reproduction charges before you conduct those activities.

I expect a response within 20 working days as provided by law. If you have any questions regarding this request, please contact me by phone at (202) 588-1000 or by e-mail at [rclattenburg@citizen.org](mailto:rclattenburg@citizen.org).

Thank you very much for your attention to this matter.

Sincerely,

Rachel Clattenburg  
Public Citizen, Inc.

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Alistair Barr, *Consumer Group Questions Google's Breadth, Influence*, Wall St. J. Blog, Nov. 13, 2014, <http://on.wsj.com/1BgWmGZ>; 2015 Report: "Slighted: Accounting Tricks Create False Impression That Small Businesses Are Getting Their Share of Federal Procurement Money, and the Political Factors That Might Be at Play", discussed in: *Public Citizen report: Small businesses 'slighted'*, The Hill: Congress Blog, May 27, 2015, <http://thehill.com/blogs/congress-blog/economy-budget/243107-public-citizen-report-small-businesses-slighted>.

<sup>7</sup> Citizen Vox, <http://www.citizenvox.org>; Consumer Law & Policy Blog, <http://pubcit.typepad.com/>; Eyes on Trade, <http://citizen.typepad.com/eyesontrade/>; and Texas Vox, <http://www.texasvox.org/>.

<sup>8</sup> Public Citizen's News, [http://www.citizen.org/pc\\_news\\_issues/2015/](http://www.citizen.org/pc_news_issues/2015/).

<sup>9</sup> Press releases, <http://www.citizen.org/Page.aspx?pid=2181>.

<sup>10</sup> Coral Davenport, *Climate Change Conversations Are Targeted in Questionnaire to Energy Department*, N.Y. Times, Dec. 9, 2016, <http://nyti.ms/2h7N2Rc>; Ed Silverman, *Should FDA Penalize Drug Makers Over Diabetes Drug Ads?*, Pharmalot Blog, Wall St. J., April 1, 2015, *Should FDA Penalize Drug Makers Over Diabetes Drug Ads?* <http://blogs.wsj.com/pharmalot/2015/04/01/should-fda-penalize-drug-makers-over-diabetes-drug-ads/>. An archive of many of these news stories is available on its website: Public Citizen Media Hits, <http://www.citizen.org/Page.aspx?pid=4987>.

<sup>11</sup> Public Citizen's Experts, <http://www.citizen.org/Page.aspx?pid=2499>.